

APPEAL NO. 030409
FILED APRIL 7, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 14, 2003. The hearing officer resolved the disputed issue by deciding that the respondent's (claimant) compensable injury of _____, includes major depression, but does not include reflex sympathetic dystrophy (RSD) to the lumbar area, head, kidneys, and bladder; a neurogenic bladder; and visceral RSD. The appellant (carrier) appealed the hearing officer's determination that the claimant's compensable injury includes major depression. No response was received from the claimant. There is no appeal of the hearing officer's determination that the compensable injury does not include RSD to the lumbar area, head, kidneys, and bladder; a neurogenic bladder; and visceral RSD.

DECISION

Affirmed.

It is undisputed that the claimant sustained a compensable injury. Conflicting evidence was presented on the issue of the extent of the compensable injury. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. Although there is conflicting evidence in this case, we conclude that the hearing officer's decision that the claimant's compensable injury includes major depression is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **TEXAS PROPERTY & CASUALTY INSURANCE GUARANTY ASSOCIATION** for **Legion Insurance Company, an impaired carrier** and the name and address of its registered agent for service of process is

**MARVIN KELLY, EXECUTIVE DIRECTOR
9120 BURNET ROAD
AUSTIN, TEXAS 78758.**

Robert W. Potts
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Roy L. Warren
Appeals Judge